

REMARKS:

Claims 1-18 remain pending in the present application. The Examiner has indicated that Claim 18 is currently allowable; Claims 1-17 are rejected.

Double Patenting

Claims 1-17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent 6,662,660 in view of Schafer et al. U.S. Patent 6,276,209. The Examiner states it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize in Smith the techniques of Schaefer because it would provide means to detect ultrasonic wave motions, e.g., a longitudinal wave in the radial direction, traveling through the wooden member wherein the received multiplicity of waveforms are processed to determine anomalies and variations in the aramid fiber at positions of the aramid fiber between the ultrasonic transmitter and the ultrasonic receiver(s) by, for example, comparing the measured values to references values taken from a reference aramid fiber to determine if variations are present. Claims 3-17 are also rejected as being dependent from a rejected base claim.

Filed concurrently with the present response is a Terminal Disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term of the co-owned prior patent 6,662,660. Applicant submits that this Terminal Disclaimer sufficiently addresses the Examiner's double patenting rejections noted above with respect to claims 1-17.

Conclusion


Applicant has made an earnest effort to be fully responsive to the Examiner's objections and believes that Claims 1-18 are now in condition for allowance. The applicant solicits the allowance of these Claims.

If, however, the Examiner should for any reason consider this application not to be in condition for allowance he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Respectfully submitted,

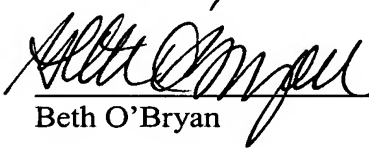
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 2nd day of March 2005.


Beth O'Bryan